(1)

Single Bench 3

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

M.C.C. NO. 790 /2006

APPLICANTS

1. Ram Das S/o Hira Lal aged about 50 years,
2. Nirasha Bai W/o- Ramdas aged about 46 years,

Both resident of village Dodki-Bodritola, P.S. Kelhari, Tahsil-Manendragarh, Distrcit- Korea (C.G.)

VERSUS

RESPONDENTS

1. Hiroundia Bai W/o- Molai Ram Gond aged about 36 years,
2. Sukhsen S/o-unknown aged about 6 years (Minor)

Through her natural gurdian,
Hiroundia Bai W/o- Molai Ram Gond aged about 36 years,
Both resident of Dodki, P.S. Kelhari, Tahsil- Manendragarh, Distrcit- Korea (C.G.)

APPLICATION FOR RESTORATION OF S.A. No. 418/2006

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक M.C.C.No. 790/2006 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	4-12-2006 Shri F.S. Khare, Advocate for the applicants. None appears for the non-applicants. Applicant has preferred this M.C.C. for restoration of Second Appeal No. 418/2006 which was dismissed by this Court vide order dated 7-9-2006 for want of prosecution. Heard on M.C.P. No. 2095/2006 an application under Section 5 of Limitation Act for condonation of delay in filing the M.C.C. as this application has been filed with a delay of 33 days. Learned counsel for the applicants submits that he learnt about dismissal of second appeal only on 3-11-2006 when he enquired from the Registry about the case. Thereafter he applied for certified copy of order dated 7-9-2006 and preferred the present M.C.C. for restoration of S.A. No. 418/2006. For the reasons indicated in the above application, M.C.P.No. 2095/2006 is allowed. Delay in filing M.C.C. is condoned. Heard on M.C.C. No. 790/2006 for restoration of S.A. No. 418/2006. Learned counsel for the applicants submits that on the date when the case was listed before the Court for hearing, counsel for the appellant was out of station in connection with some urgent family work and in the aforesaid circumstances, he could not appear at the time of hearing. Considering the reasons assigned in the said application which is supported by an affidavit of learned counsel for the applicants, this application for restoration is allowed subject to cost of Rs. 500/- payable by the applicants to the Secretary, High Court Legal Services Committee. Second appeal is restored to its original number. Sd/- Dhirendra Mishra Judge	

P.T.O.